

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MICHELLE CARTER,

Plaintiff,

17-CV-539-AMD-SLT

-against-

JPMORGAN CHASE BANK, N.A.,

Defendant.

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JPMORGAN CHASE BANK, N.A.,

Third-Party Plaintiff,

-against-

DAHALEEL 1, INC., dba ROCKAWAY FARM
DELI & GRILL, and MOHAMMED KHATARI
et al,

Third-Party Defendants.

**REPLY TO AMENDED
CROSS-CLAIMS**

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Third-Party Co-Defendant, Mohammed Khataari. ("Replying Third-Party Co-Defendant"), by their attorney, The Law Firm of Edward Vitale, P.C., as and for their Reply to the Amended Cross-Claims ("Cross-Claims") herein of Third Party Co-Defendants, Dahaleel I Inc. ("Dahaleel") and Salem N. Al-Gemsh (Al-Gemsh") dated January 27, 2018, allege as follows:

1. Deny each and every allegation as contained in paragraph 19 of the Cross-Claims.
2. Deny knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation as contained in paragraphs 11, 12, 13, 15, 14, 16, 17, 18, 20 and 21 of the Cross-Claims.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE TO CROSS-CLAIMS

3. Al-Gemsh and Dahaleel have failed to state claims against the Replying Third-Party Co-Defendant upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE TO CROSS-CLAIMS

4. Al-Gemsh and Dahaleel's Cross-Claims are barred as they have failed to meet the requirements of conversion.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE TO CROSS-CLAIMS

5. Al-Gemsh and Dahaleel's Cross-Claims are barred in part by reason of the applicable statute of frauds.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE TO CROSS-CLAIMS

6. Al-Gemsh and Dahaleel's Cross-Claims are barred in part by their failure to mitigate their damages.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE TO CROSS-CLAIMS

7. All use of the subject funds that were ever on deposit with Chase Bank to the credit of Dahaleel, were done at the direction of, and with the permission, authorization, consent and/or acquiescence of, Third-Party Defendants, Mukhtar Omariat and/or Ammar Y. Awawdeh and/or Plaintiff, Michelle Carter.

WHEREFORE, Replying Third-Party Co-Defendant demand judgment dismissing the Cross-Claims, for the costs and disbursements of this action, and for such other and further relief as to the Court may seem just, equitable and proper.

Dated: Forest Hills, New York
February 26, 2018

LAW FIRM OF EDWARD VITALE P.C.

By: 
Edward Vitale
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